

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN ALLAN WALTERS**, on January 25, 2001 at 8:00 A.M., in Room 455 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Allan Walters, Chairman (R)  
Rep. Debby Barrett, Vice Chairman (R)  
Rep. Tom Dell, Vice Chairman (D)  
Rep. Norma Bixby (D)  
Rep. Dee Brown (R)  
Rep. Donald L. Hedges (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Jent (D)  
Rep. Larry Lehman (R)  
Rep. Gay Ann Masolo (R)  
Rep. Douglas Mood (R)  
Rep. Alan Olson (R)  
Rep. Rick Ripley (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)

**Members Excused:** Rep. Michelle Lee (D)  
Rep. Ralph Lenhart (D)  
Rep. Holly Raser (D)

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Ruthie Padilla, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 326, 1/22/2001; HB 354,  
1/22/2001  
Executive Action: None

HEARING ON HB 326

Sponsor: REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 48,  
GREAT FALLS

Proponents: None

Opponents: None

Informational: Elaine Gravely, Secretary of State  
Robert Throssell, MT Association of Clerk &  
Recorders Election Admin.

Opening Statement by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 0}*

REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 48, GREAT FALLS stated the bill is the result of a concern brought to her attention by the Executive Director of the Elections Center. The bill clarifies, a person filing for an elective partisan office may only file for one parties nomination.

Informational Testimony:

*{Tape : 1; Side : A; Approx. Time Counter : 1.9}*

Elaine Gravely, Secretary of State stated she is an informational witness and is available for any questions.

Robert Throssell, MT Association of Clerk & Recorders Election Administrators commented, they do not have any position on the bill and is here for any questions.

Questions from Committee Members and Responses:

*{Tape : 1; Side : A; Approx. Time Counter : 3.4}*

REPRESENTATIVE OLSON asked why it would be a problem to have an individual file on both parties ballots. REPRESENTATIVE GALVIN-HALCRO replied, the candidate could claim victory even though he received a minority of votes from one party rather than the other.

**REPRESENTATIVE BROWN** asked who would have the choice of putting the party symbol on the ballot. **REPRESENTATIVE GALVIN-HALCRO** replied, it would be up to the Clerk of Courts discretion.

**Closing by Sponsor:**

***{Tape : 1; Side : A; Approx. Time Counter : 5.9}***

**REPRESENTATIVE GALVIN-HALCRO** said she would appreciate a positive consideration on the bill.

**HEARING ON HB 354**

**Sponsor:** **REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH**

**Proponents:** **Debra Sweenlly, Developmental Disabilities  
Planning and Advisory Council  
Wallen Melcher, Past Council Member  
Othelia Schulz, Citizen from Anaconda**

**Opponents:** **None**

**Opening Statement by Sponsor:**

***{Tape : 1; Side : A; Approx. Time Counter : 6.4}***

**REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH** said, in the State of Montana a developmental disability is defined as a condition of mental retardation, cerebral palsy, autism, epilepsy, or any other neurological condition that is impeding the persons development. The conditions will occur before the persons 18<sup>th</sup> birthday, and will likely continue throughout the persons lifetime. The developmental disabilities planning and advisory council is the citizens based advocacy group. The members are appointed by the Governor of the State of Montana and works to provide increased independence, integrity and productivity for persons with developmental disabilities. There will be no fiscal impact to the state. Any additional costs will be absorbed within the current grant.

**Proponents' Testimony:**

**{Tape : 1; Side : A; Approx. Time Counter : 9.5}**

**Debra Sweenlly, Developmental Disabilities Planning and Advisory Council** stated the council is 100% federally funded administratively attached program to the Department of Public Health and Human Services. No state general fund dollars run the operation of the program. The Montana Council has been in existence since 1971 and consists of 27 governor appointed members who meet specific membership requirements. The bill would add the addition of 3 members and revise the membership requirements.

**Wallen Melcher, Past Council Member** said, he had been a member of the council for nine years. He feels this is very positive legislation. It does not require the participation of some professional groups that have participated in the past and increases the number of individuals with disabilities who participate on the council. These are the people who need to have an active voice in determining the future as far as services for people with disabilities.

**Othelia Schulz, Citizen from Anaconda** said she also agrees we can do a better job with the laws being the same as Federal.

**Questions from Committee Members and Responses:**

**{Tape : 1; Side : A; Approx. Time Counter : 16.4}**

**REPRESENTATIVE LEHMAN** clarified, to continue receiving federal funding, the bill needs to be passed. **REPRESENTATIVE LAWSON** replied, it is the major goal of the bill, however, the bill will also extend to 3 new individuals on the board. **REPRESENTATIVE LEHMAN** then asked, how often the board meets. **REPRESENTATIVE LAWSON** stated, 3 to 4 times per year. **REPRESENTATIVE LEHMAN** clarified, the council pays for all the travel expenses. **REPRESENTATIVE LAWSON** replied, yes, there is a per diem, plus travel, plus a consultant's fee of \$25.00 per day that is provided to the members.

**REPRESENTATIVE HEDGES** stated, in the bill they struck out all the professional special ed teachers, don't they bring special knowledge to the council of what the public education system does in being prepared to handle people with a disability. **Debra Sweenlly** replied, they do have an individual on the council who is representative of the ideal legislation. Their intent is not

to eliminate anyone. **REPRESENTATIVE HEDGES** then asked if Fetal Alcohol Syndrom is considered a developmental disability. **Debra Sweenlly** replied, this is one they are struggling with on a national basis. Fetal Alcohol Syndrom, a lot of times, is not diagnosed until after the age of the disability definition comes in. Currently this syndrom is in a grey area, until they can determine an age which the diagnosis is adopted for that person.

**REPRESENTATIVE RIPLEY** asked what the reason is for increasing the council to 29 members. **REPRESENTATIVE LAWSON** replied by federal law, they need a representative of the Child and Maternal Health Program, one representative from a local or non-governmental entity concerned with services, and they need to increase the number of peoples with disabilities. One of their goals is to have as many developmental disabled on board as possible, so they are talking with them, not about them.

**Closing by Sponsor:**

***{Tape : 1; Side : A; Approx. Time Counter : 26.3}***

**REPRESENTATIVE LAWSON** stated they are just trying to propose federal legislation and to have more individuals directly involved on board. This would be 100% federally funded and bring them in compliance with federal legislation so they do not loose federal funds.

**ADJOURNMENT**

Adjournment: 8:30 A.M.

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REP. ALLAN WALTERS, Chairman

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RUTHIE PADILLA, Secretary

AW/RP

**EXHIBIT (sth20aad)**